



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 27, 1995

Ms. Mercedes Leal  
Senior Assistant County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR95-712

Dear Ms. Leal:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34486.

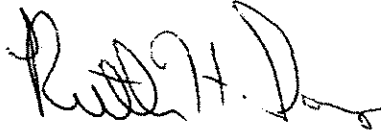
You state that the Harris County Clerk received an open records request for access to "all mental health docket sheets since January 1, 1995." You contend the requested information is deemed confidential under section 571.015 of the Health and Safety Code. Because we resolve your request for an open records decision on other grounds, we need not discuss whether the requested information is confidential under that provision.

Section 552.003 of the Government Code defines the entities that constitute "governmental bodies" under the Open Records Act. Section 552.003(b) specifically provides that the judiciary is not included within this definition. Consequently, records of the judiciary are not subject to the provisions of the Open Records Act. *See, e.g.*, Open Records Decision Nos. 274 (1981), 25 (1974) (records of judiciary not subject to the Open Records Act, but are subject to common law and statutory rights of inspection). Clearly, the county clerk maintains the requested docket sheets as an agent of the court. We therefore conclude that the requested information is in the constructive possession of the judiciary.

Because the authority of this office to render open records decisions is limited to determinations as to whether requested information held by "governmental bodies" falls within the exceptions to required public disclosure listed in subchapter C of chapter 552, we are not authorized by the act to instruct the court as to the rights of access to its records. We merely conclude here that because the records at issue are not those of a "governmental body," they are not required to be released to the requestor under the Open Records Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Government Section

RHS/RWP/rho

Ref.: ID# 34486

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino  
KTRK-TV  
P.O. Box 13  
Houston, Texas 77001  
(w/o enclosures)